

City Council Agenda

Council President
Mike Dages

Councilmembers

**Tom Boyajian
Brian Calhoun
Jerry Duncan**

**Henry T. Perea
Cynthia Sterling
Larry Westerlund**

City Manager
Andrew T. Souza

City Clerk
**Rebecca E.
Klisch, CMC**

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

March 1, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and Channel 14 beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Reverend David Finster of First Congregational Church of Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Sterling

Presentation of Driver Appreciation Awards for Fresno Area Express – Council President Dages

Presentation of Proclamations to Fresno High School ROTC Students – Councilmember Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of February 15, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

- A. Resolution of Intention to annex Final Tract No. 5284 to the City of Fresno Community Facilities District No. 2, Annexation No. 90, and setting public hearing for April 5, 2005, at 10:00 a.m. – Planning and Development Dept.
Action Taken:
- B. **RESOLUTION** – Approving the Final Map of Tract No. 5259 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- C. **RESOLUTION** – Approving the Final Map of Tract No. 5265 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- D. **RESOLUTION** – Approving the Final Map of Tract No. 5281 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- E. Consideration of proposed Alluvial-Chestnut No. 1 Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 5.45 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 6***) – Planning and Development Dept.
Action Taken:
1. Affirm the action of the City Council of August 31, 2004, adopting the environmental finding of Environmental Assessment No. A-03-19/R-03-80/C-03-262 dated June 15, 2004, resulting in a Mitigated Negative Declaration
Action Taken:
2. * **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Alluvial-Chestnut No. 1 Reorganization
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. Consideration of proposed Shields-Locan No. 4C Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 19.7 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 4***) – Planning and Development Dept.

Action Taken:

1. Affirm the action of the City Council of September 21, 2004, adopting the environmental finding of Environmental Assessment No. R-04-27/T-5312 dated July 13, 2004, resulting in a Finding of Conformity

Action Taken:

2. * **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Shields-Locan No. 4C Reorganization

Action Taken:

- G. Consideration of proposed Alluvial-Chestnut No. 1D Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 5.42 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 6***) – Planning and Development Dept.

Action Taken:

1. Affirm the action of the City Council of November 9, 2004, adopting the environmental finding of Environmental Assessment No. R-04-38/C-04-105 dated September 3, 2004, resulting in a Finding of Conformity

Action Taken:

2. * **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Alluvial-Chestnut No. 1D Reorganization

Action Taken:

- H. * **BILL NO. B-12 – (Intro. 2/15/05) (For adoption)** - Amending the Fresno Municipal Code related to the City administrative hearing procedures, selection of hearing officers, and the cost and penalty recovery ordinance and administrative citation procedures – City Attorney's Office

Action Taken:

2. **GENERAL ADMINISTRATION**

3. **CITY COUNCIL**

- A. Request staff to research the feasibility of various technology and organizational models for wireless internet access via WiFi in the City of Fresno – Councilmember Calhoun

Action Taken:

- B. Discussion and direction regarding public art in front of public buildings, specifically in front of Fire Station 15 in Sunnyside – Council President Dages

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:10 A.M.

PUBLIC COMMENT PERIOD – REDEVELOPMENT AGENCY AND CITY COUNCIL - No Council or Agency action except to place on future agenda. Presentation limited to three (3) minutes:

- A. **SCHEDULED COMMUNICATION** – Appearance by Roselyn L. Clark to discuss and provide an update on the maintenance of Neighborhood Watch signs in northwest Fresno and what Council can do to assist with the process
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M.

Workshop regarding the potential loss of Fresno area military bases as a result of the base realignment and closing commission process – Councilmember Westerlund

- 1. **JOINT RESOLUTION** – Of the Mayor and Council of the City of Fresno supporting the retention of the 144th Fighter Wing, 1106th Aviation Classification Repair Activity Depot, United States Marine Corps Base, 185th Quarter Master Unit, 40th Aviation Brigade, and associated units and facilities in the City and County of Fresno, California
Action Taken:
- 2. * **RESOLUTION** – 64th amendment to AAR No. 2004-209 appropriating \$30,000 to provide funding for consulting services to save the military base (**Requires 5 affirmative votes**)
Action Taken:

9:45 A.M.

Consider nomination to the Local Register of Historic Resources – Planning and Development Dept.

Action Taken:

- 1. * **RESOLUTION** – Designating Chandler Field/Chandler Downtown Airport, 510 W. Kearney Boulevard to the Local Register of Historic Resources (**District 3**)
Action Taken:

10:00 A.M.

HEARING regarding Community Facilities District No. 2, Annexation No. 79, Final Tract Map No. 5321 – Public Works Department

Action Taken:

- a. **RESOLUTION** - Directing preparation of a modified Engineer's Report analyzing impact of proposed increase in special tax and modifying Resolution of Intention 2005 - 22
Action Taken:
- b. **RESOLUTION** - Receiving the modified Engineer's Report and modifying Resolution of Intention 2005 - 22
Action Taken:
- c. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 79, Final Tract Map No. 5321 and authorizing the levy of a special tax
Action Taken:
- d. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- e. **RESOLUTION** – Declaring election results
Action Taken:
- f. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 79, Final Tract Map No. 5321
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:05 A.M. CONTINUED HEARING to consider resolution of public use and necessity for the acquisition of permanent easements and rights of way for public street purposes from the following parcels of real property located on E. Shaw Avenue at the intersection of First Street in the City of Fresno: APN 427-310-01 which is located at the southeast corner of Shaw and First Street and is owned by Equilon Enterprises, LLC; APNs 418-091-22 & 418-091-19 are adjacent parcels located at the northeast corner of Shaw and First Street and are owned by Friis-Hansen & Co., Limited Partnership (**Property located in District 4**) – Public Works Dept.

Action Taken:

- a. * **RESOLUTION** - That the public interest and necessity require and authorize eminent domain for acquisition of permanent easements and rights of way for public street purposes from real property located on E. Shaw Avenue at the intersection of First Street in the City of Fresno: APN 427-310-01 which is located at the southeast corner of Shaw and First Street and is owned by Equilon Enterprises, LLC; APNs 418-091-22 & 418-091-19 are adjacent parcels located at the northeast corner of Shaw and First Street and are owned by Friis-Hansen & Co., Limited Partnership. (**Requires 5 affirmative votes**)

Action Taken:

10:45 A.M. - 11:00 A.M. RECESS

11:00 A.M. BILL – (For Introduction) – Repealing Article 3 of Chapter 11, adding Article 3 to Chapter 11, and amending Subsection (c) of Section 12-1206 of the Fresno Municipal Code, relating to street trees and parkways and amending Subsection (k) of Section 1-603 of the Fresno Municipal Code relating to cost and penalty recovery – Council President Dages

Action Taken:

2:00 P.M.#1 CONTESTED CONSENT CALENDAR

2:00 P.M.#2 CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (a)

1. **Case Name:** City of Cerritos v. State Board of Equalization, Alameda Superior Court Case No. RG04144275

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Government Code Section 54956.9, subdivision (c)

Significant Exposure to Litigation: City of Fresno v. U.S. Army Corps of Engineers and the Boeing Company, Inc.

Action Taken:

2:00 P.M.#3 CLOSED SESSION ANNOUNCEMENTS (IF ANY)

4:00 P.M. TRIMESTER PLAN AMENDMENT HEARINGS – Planning and Development Dept.

- A. Consideration of Plan Amendment Application No. A-04-11, Rezone Application No. R-04-36, and environmental findings, filed by Dale Mell and Associates on behalf of the Sikh Association, pertaining to 10.6 acres of property located on the north and south sides of W. Acacia Avenue alignment between N. Parkway Drive and N. Barcus Avenue (***Property located in District 2***)

Action Taken:

1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-04-11/R-04-36/C-04-96

Action Taken:

2. **RESOLUTION** – Amending the 2025 Fresno General Plan, West Area Community Plan, and the Highway City Neighborhood Specific Plan for 10.6 acres from the medium-high density residential planned land use designation to the office commercial (10.2 acres) and light industrial (0.38 acre) land use designations. In addition, the plan amendment will also remove the plan line for Acacia Avenue, a local street, between Parkway Drive and N. Polk Avenue

Action Taken:

3. **BILL** – Amending the Highway City Neighborhood Specific Plan for 10.6 acres from the medium-high density residential planned land use designation to the office commercial (10.2 acres) and light industrial (0.38 acre) land use designations. In addition, the plan amendment will also remove the plan line for Acacia Avenue, a local street, between Parkway Drive and N. Polk Avenue

Action Taken:

4. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A (*Single Family Residential-Agricultural*) zone district to the C-P (*Administrative and Professional Office*) zone district for 10.2 acres and the M-1 (*Light Manufacturing*) zone district for 0.38 acres

Action Taken:

- B. Consideration of Plan Amendment Application No. A-04-18 and environmental findings, filed by City of Fresno and Gretchen Freedman, pertaining to approximately 1.2 acres of property located on the west side of N. Wishon Avenue between E. Michigan and E. Brown Avenues (***Property located in District 1***)

Action Taken:

1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-04-18/R-04-58/V-04-18

Action Taken:

2. **RESOLUTION** - Amending the 2025 Fresno General Plan, Fresno High-Roeding Community Plan, and the Tower District Specific Plan from the neighborhood commercial and medium density residential planned land use designations to residential mixed use land use designation in the Tower District Specific Plan and medium-high density residential land use designation in the 2025 Fresno General Plan

Action Taken:

3. **BILL** – Amending the Tower District Specific Plan from the neighborhood commercial and medium density residential planned land use designations to residential mixed use land use designation in the Tower District Specific Plan

Action Taken:

4:00 P.M. TRIMESTER PLAN AMENDMENT HEARINGS CONTINUED – Planning and Development Dept.

- C. Consideration of Plan Amendment Application No. A-04-19, Rezone Application No. R-04-62, and environmental findings, filed by Bob and Debbie Duley, pertaining to approximately 36 acres of property located south and east of the southeast corner of N. Armstrong and E. Clinton Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency (***Property located in Dist. 4***)
Action Taken:
1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-04-19/R-04-62
Action Taken:
 2. **RESOLUTION** - Amending the 2025 Fresno General Plan and McLane Community Plan from the low density residential planned land use designation to the medium-low density residential land use designation
Action Taken:
 3. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-R (*Fresno County – Rural Residential*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district to allow for the future development of the subject property with a 125-lot single family residential subdivision
Action Taken:
- D. Consideration of Plan Amendment Application No. A-04-20, Rezone Application No. R-04-66, and environmental findings, filed by the Stergeos Demetreos, pertaining to an 1.84-acre site consisting of two parcels of land located on the south side of West Dakota Avenue between North West and North Marks Avenues (***Property located in District 1***)
Action Taken:
1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-04-20/R-04-66/S-04-295
Action Taken:
 2. **RESOLUTION** - Amending the 2025 Fresno General Plan and Fresno High-Roeding Community Plan from the medium-low density residential planned land use designation to the medium-high density residential land use designation
Action Taken:
 3. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A (*Single Family Residential-Agricultural*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district
Action Taken:
- E. Consideration of Plan Amendment Application No. A-04-24, Rezone Application No. R-04-80, and environmental findings, filed by Riverpark Bible Church of Fresno, pertaining to approximately 3.51 acres of property located on the south side of E. Alluvial Avenue between N. Spalding and N. Millbrook Avenues (***Property located in District 6***)
Action Taken:
1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-04-24/R-04-80
Action Taken:
 2. **RESOLUTION** - Amending the 2025 Fresno General Plan and Woodward Park Community Plan from the medium density residential planned land use designation to the office commercial land use designation
Action Taken:
 3. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district to allow for an existing residence to be used for church-related classrooms and meeting rooms and the adjoining property for overflow parking from the church site proper
Action Taken:

4:00 P.M. TRIMESTER PLAN AMENDMENT HEARINGS CONTINUED – Planning and Development Dept.

- F. Consideration of Plan Amendment Application No. A-04-26, Rezone Application No. R-04-84, and environmental findings, filed by John Allen and WCM Land, pertaining to approximately 56 acres of property located on the easterly side of N. Figarden Drive, south of W. Bullard Avenue (***Property located in District 2***)

Action Taken:

1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-04-26/R-04-84/T-5433/C-04-272
Action Taken:
2. **RESOLUTION** - Amending the 2025 Fresno General Plan and Bullard Community Plan from the medium-high density residential planned land use designation to the medium density residential for 10 acres; community commercial to medium density residential for 12 acres; and medium-high density residential to community commercial for 11 acres. The plan amendment application also proposes to delete Gates Avenue between N. Figarden Drive and W. Bullard Avenue and a portion of W. Bullard Avenue between N. Brunswick and N. Bulletin Avenues from the Circulation Element of the 2025 Fresno General Plan and repeal the official plan lines for these streets
Action Taken:
3. **BILL** – Amending the Official Zone Map to rezone 22 acres of the subject site from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) and C-2/BA-20/UGM/cz (*Community Commercial/Boulevard Area-20 Feet/Urban Growth Management/conditions of zoning*) zone districts to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district; and to rezone 34 acres of the project site from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) and C-2/BA-20/UGM/cz (*Community Commercial/Boulevard Area-20 Feet/ Urban Growth Management/conditions of zoning*) zone districts to the C-2/BA-20/UGM (*Community Commercial/Boulevard Area-20 Feet/ Urban Growth Management*) zone district

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar.	8 -	9:00 A.M.	Presentation by the Fresno County Transportation Authority Advocates Office on the education of Measure "C", 1986 through the present time – Public Works Dept.
Mar.	8 -	10:00 A.M.	(Title to be determined) – City Manager's Office
Mar.	8 -	2:30 P.M.	WORKSHOP on the Master Fee Schedule
Mar.	8 -	3:30 P.M.	Proposal for Kings Canyon Redevelopment – Council President Dages
Mar.	15 -	10:00 A.M.	HEARING to consider the 2005 Weed Abatement Program – Planning & Dev.
Mar.	15 -	11:00 A.M.	WORKSHOP to consider implementation and use of traffic signal fees and implementation of new Community Facilities District (CFD) – Council President Dages
Mar.	15 -		Annual report on the Convention Center – Council President Dages
Mar.	22 -		NO MEETING – EASTER WEEK
Mar.	29 -	10:00 A.M.	HEARING re: Rezone Appl. No. R-04-58, filed by Gretchen Freedman, for 0.13 acres of property located at 2811 North Wishon Avenue
April	5 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 90, Final Tract Map No. 5284
April	5 -	10:15 A.M.	HEARING to consider the adoption of a resolution vacating a portion of North Forkner Avenue, south of W. Herndon Avenue and reserve a public utility easement over a portion of the area to be vacated
April	12 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
April	19 -	4:30 P.M.	CONTINUED HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
April	26 -		NO MEETING – COUNCIL BREAK
May	3 -	10:00 A.M.	Presentation of Employee Service Awards (Reception immediately following – 2 nd floor foyer)

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004
WORKSHOP – Urban Forest